# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/685,697 | 10/16/2003 | Hyun-kwon Chung | 1793.1076 | 6770 |

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| EXAMINER |
|---|
| PRICE, NATHAN E |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. 10/685,697 | Applicant(s) CHUNG ET AL. |
|---|---|---|
| | Examiner NATHAN PRICE | Art Unit 2194 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _16 October 2003_.
2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All  b)☐ Some *  c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _See Continuation Sheet_.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/20/2004; 06/17/2004; 03/26/2008; 02/17/2009.

# DETAILED ACTION

1.     Claims 1 – 20 are pending.

## *Claim Objections*

2.     Claims 1 – 20 are objected to because of the following informalities:  the meaning

of "AV" is not clearly indicated.  Appropriate correction is required.

## *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

3.     Claims 17 – 19 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.  Claim directed to a signal directly or

indirectly by claiming a medium and the Specification recites evidence (¶95) where the

computer readable medium is defined as a "wave" (such as a carrier wave).  In that

event, the claims are directed to a signal or form of energy, which does not fall into a

category of invention.  See MPEP 2106.  For the purposes of compact prosecution,

"computer readable medium" will be interpreted as including physical storage devices

and not carrier waves (non-statutory).

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims 1 – 8, 17 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kanazawa et al. (US 6580870 B1; "Kanazawa") in view of Jones et

al. (US 20030220984 A1; "Jones").

5.      As to claim 1, Kanazawa teaches a method of reproducing AV data in an

interactive mode using a markup document, the method comprising:

buffering the markup document to preload the markup document (col. 15 lines 34

– 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

6.      Kanazawa suggests indicating buffering state information (col. 15 lines 34 – 56;

col. 17 line 64 – col. 18 line 23), but fails to specifically teach outputting the information

in response to a report signal as claimed.  However, Jones teaches outputting buffering

state information of the markup document in response to a report signal (¶66, 68).  It

would have been obvious to one of ordinary skill in the art at the time Applicant's

invention was made to combine these teachings because Kanazawa teaches identifying

the buffering state and Jones teaches a way to enable identification of the buffering

state that can be used when implementing the disclosure of Kanazawa.

7.      As to claim 2, Jones teaches generating the report signal to determine the

buffering state information of the markup document (¶66, 68).


8.      As to claim 3, Jones teaches the generating of the report signal comprises

generating the report signal using an application program interface (API) (¶66, 68).


9.      As to claim 4, Jones teaches the API includes at least one of a file path and an

attribute of the markup document as a parameter (¶66, 68).


10.     As to claim 5, Jones teaches the API serves to determine whether the buffering

of the markup document to preload the markup document succeeded or failed, or

whether the markup document is still being buffered (¶66, 68).


11.     As to claim 6, Kanazawa teaches a URL that is a parameter indicating a file path

of the markup document and resType is a parameter indicating an attribute of the

markup document (col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23), but fails to

specifically teach the report signal is generated using an API as claimed.  However,

Jones teaches the generating of the report signal comprises generating the report signal

using an API (¶66, 68).

12.     As to claim 7, although the specific values of 0, 1 and 2 are not taught, Jones

teaches the outputting of the buffering state information includes returning a value in

response to the markup document being successfully preloaded, returning a value in

response to the markup document not being successfully preloaded, and returning a

value in response to the markup document still being preloaded (¶ 66, 68).

13.     As to claim 8, Kanazawa teaches reproducing the AV data in the interactive

mode using the preloaded markup document (col. 15 lines 34 – 56).

14.     Claim 17 is a computer readable medium with instructions that implement the

method of claim 1.  In the computer art, it is well known to produce such a computer

readable medium with instructions to implement a computerized method.  Therefore the

medium of claim 17 is obvious in view of the teachings used to reject claim 1.

15.     As to claim 20, see the rejection of claims 1, 2 and 5.

16.     Claims 9 – 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kanazawa et al. (US 6580870 B1; "Kanazawa") in view of Jones et

al. (US 20030220984 A1; "Jones") and Ferguson (US 20020178232 A1).

17.     As to claim 9, Kanazawa teaches a method of managing a markup document for

use in reproducing AV data in an interactive mode, the method comprising:

buffering the markup document to preload the markup document in response to a

fetch signal (col. 15 lines 34 – 56; col. 17 lines 31 – 38).


18.    Kanazawa fails to specifically teach the other signals as claimed.  However,

Jones teaches outputting a buffering state of the markup document in response to a

report signal and staging the markup document for decoding in response to a retrieve

signal (¶66 – 68).


19.    Kanazawa teaches disconnecting because the data is no longer needed after

display of resources is complete (Fig. 8, S47), but fails to specifically teach "deleting the

markup document in response to a discard signal" as claimed.  However, Ferguson

teaches deleting the markup document in response to a discard signal (¶63).  It would

have been obvious to one of ordinary skill in the art at the time Applicant's invention was

made to combine these teachings because Kanazawa indicates a need to properly

close and remove resources that are no longer needed (Fig. 8, S47) and Ferguson

teaches additional details about de-allocating resources.


20.    As to claim 10, Ferguson teaches marking the markup document as a document

no longer in use in response to a release signal (¶63).

21.     As to claim 11, Kanazawa teaches issuing a response indicating whether a command to preload the markup document included in the fetch signal has been successfully transmitted (col. 17 line 64 – col. 18 line 12).

22.     As to claim 12, Jones teaches the outputting of the buffering state comprises returning a signal indicating whether preloading of the markup document has been completed (¶66, 68).

23.     As to claim 13, Jones teaches the outputting of the buffering state comprises returning a signal indicating whether preloading of the markup document succeeded or failed, or whether the preloading of the markup document is still being conducted (¶66, 68).

24.     As to claims 14, 18 and 19, see the rejection of claim 9.

25.     As to claim 15 and 16, see the rejection of claim 10 and 13.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196.  The examiner can normally be reached on 8:30am - 5:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NP                                          /Tuan Q. Dam/
                                            Supervisory Patent Examiner, Art Unit 2192